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Julia Meyn

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JULIA MEYN,

Plaintiff,

v.

ARMADA CORP. OF NEVADA,

Defendant.

Case No.:

**COMPLAINT FOR DAMAGES
PURSUANT TO THE FAIR DEBT
COLLECTION PRACTICES ACT,
15 U.S.C. § 1692 ET SEQ.**

JURY TRIAL DEMANDED

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COMPLAINT

INTRODUCTION

1. The United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.
2. JULIA MEYN (“Plaintiff”) by Plaintiff’s attorneys, brings this action to challenge the actions of ARMADA CORP. OF NEVADA (“Defendant”) with regard to attempts by Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this conduct caused Plaintiff damages.
3. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to plaintiff, or to plaintiff’s counsel, which Plaintiff alleges on personal knowledge.
4. While many violations are described below with specificity, this Complaint alleges violations of the statute cited in its entirety.

- 1 5. Unless otherwise stated, all the conduct engaged in by Defendant took place
2 in Nevada.
- 3 6. Defendant's violations were knowing, willful, and intentional, and
4 Defendant did not maintain procedures reasonably adapted to avoid any such
5 violations.
6
- 7 7. Unless otherwise indicated, the use of Defendant's name in this Complaint
8 includes all agents, employees, officers, members, directors, heirs,
9 successors, assigns, principals, trustees, sureties, subrogees, representatives,
10 and insurers of Defendant's named.
11

12 JURISDICTION AND VENUE

- 13 8. This Court has federal question jurisdiction because this case arises out of
14 violation of federal law. 15 U.S.C. §1692 *et seq.*; *Smith v. Community*
15 *Lending, Inc.*, 773 F.Supp.2d 941, 946 (D. Nev. 2011).
16
- 17 9. This action arises out of Defendant's violations of the Fair Debt Collection
18 Practices Act, 15 U.S.C. §§ 1692-1692(p) ("FDCPA").
19
- 20 10. Venue is proper in the United States District Court for the District of Nevada
21 pursuant to 28 U.S.C. § 1391(b) because Plaintiff is a resident of Clark
22 County, the State of Nevada and Defendant is subject to personal
23 jurisdiction in the County of Clark, State of Nevada as Defendant conducts
24 business there, and the conduct giving rise to this action occurred in Nevada.
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1 28 U.S.C. § 1391(b)(2). Moreover, Defendant is listed as a Nevada domestic
2 corporation with the Nevada Secretary of State.

3 **PARTIES**

4 11. Plaintiff is a natural person who, at the time of the conduct giving rise to this
5 action, resided in the County of Clark, State of Nevada, from whom a debt
6 collector sought to collect a consumer debt which was due and owing or
7 alleged to be due and owing from Plaintiff. In addition, Plaintiff is a
8 “consumer” as that term is defined by 15 U.S.C. § 1692a(3).
9

10
11 12. Defendant, in the ordinary course of business, regularly, on behalf of itself
12 or others, engages in “debt collection” and is therefore a “debt collector” as
13 the terms are defined by 15 U.S.C. § 1692a(6).
14

15 13. Defendant is a debt collector, offering debt collection services in various
16 industries.
17

18 14. The alleged debt is regarding a dental obligation, which is money, property
19 or their equivalent, due or owing or alleged to be due or owing from a
20 natural person by reason of a consumer credit transaction. Because this
21 alleged debt is for a dental obligation, which is primarily for personal,
22 family, or household purposes, this action arises out of a “debt” as that term
23 is defined by 15 U.S.C. 1692a(5).
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GENERAL ALLEGATIONS

15. At all times relevant, Plaintiff was an individual residing within the State of Nevada.

16. At all times relevant, Defendant conducted business in the State of Nevada.

17. Sometime in 2013, Plaintiff allegedly incurred an obligation to a dental office for dental services rendered, and at some point thereafter fell behind on the payments. This debt was money, property, or their equivalent, which is due or owing, or alleged to be due or owing, from a natural person to another person and were therefore “debt(s)” and a “consumer debt” as the terms are defined by 15 U.S.C. § 1692(a)(6).

18. Plaintiff takes no position as to the validity of the alleged debt.

19. Subsequently, the alleged debt was allegedly assigned, placed or otherwise transferred, to Defendant for collection.

**DEFENDANT’S DECEPTIVE ATTEMPTS TO
COLLECT DIFFERENT AMOUNTS**

20. On or about July 11, 2014, Defendant or its agent/s began contacting Plaintiff via written letter (the “letter”) in attempt to collect the alleged debt.

This letter was a “communications” as defined in 15 U.S.C. § 1692(a)(2).

21. Defendant’s letter was an attempt to collect an alleged debt originally owed to Dr. Thomas Tenney DMD. Defendant’s July 11, 2014 letter to Plaintiff was Defendant’s initial contact with Plaintiff regarding the alleged debt owed.

22. Defendant's letter to Plaintiff included the following:

Creditor:	DR THOMAS TENNEY DMD
Reference #:	ME0016
Principal:	\$470.78
Collection fee:	\$164.77
Notification fee:	\$0.00
Agency Int:	\$3.52
Amount Due:	\$639.07

23. In response to Defendant's letter and as is Plaintiff's right under the FDCPA, Plaintiff filed a dispute with Defendant on July 28, 2014.

24. On July 29, 2014, Defendant sent Plaintiff a debt verification letter.

Defendant's letter included the following summary:

Creditor:	DR THOMAS TENNEY DMD
Amount:	\$470.78
Interest:	\$4.74
Fees:	\$164.77
Total:	\$640.29

25. However, along with the verification letter, Defendant included a ledger from the original creditor, dated July 28, 2014 that showed the balance due as **\$635.56**, not the \$640.29 Defendant attempted to collect in the verification letter.

26. Subsequently, on October 15, 2014, Defendant filed a collection lawsuit against Plaintiff (the "collection action") in the Justice Court of Las Vegas Township, Case No. 14C016259.

27. Adding even more confusion to the attempts to collect from Plaintiff, the collection action seeks an entirely different amount of **\$625.55**.

1 28. Defendant clearly sought, on multiple occasions, to collect different amounts
2 from Plaintiff. Those collection attempts for various amounts were deceptive
3 and unlawful.

4
5 29. Defendant's attempt to collect various, conflicting amounts from Plaintiff on
6 at least three separate occasions was misleading, false and deceptive, and
7 therefore violated 15 U.S.C. § 1692e.

8
9 30. When Defendant attempted to collect various, conflicting amounts from
10 Plaintiff, Defendant mischaracterized the amount of the alleged debt owed,
11 and therefore violated 15 U.S.C. § 1692e(2).

12
13 31. By attempting to collect various, conflicting amounts from Plaintiff,
14 Defendant violated 15 U.S.C. § 1692e(10) by using deceptive means to
15 collect Plaintiff's alleged debt.

16
17 32. By attempting to collect various, conflicting amounts from Plaintiff,
18 Defendant violated 15 U.S.C. § 1692f by using unconscionable and unfair
19 means in attempt to collect the alleged debt owed by Plaintiff.

20
21 33. Defendant's attempt to collect \$640.29 in its verification letter that included
22 evidence that the alleged amount owed was \$635.56 was an attempt to
23 collect more than Defendant was lawfully able to collect. Therefore,
24 Defendant's attempt to collect from Plaintiff violated 15 U.S.C. § 1692f(1).

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FIRST CAUSE OF ACTION
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §§ 1692-1692(P) (FDCPA)

34. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

35. The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA.

36. As a result of each and every violation of the FDCPA, Plaintiff is entitled to damages of \$1,000 and such amount as the court may allowed for all other class members, not to exceed the lesser of \$500,000 or 1 per centum of the net worth of the debt collector, pursuant to 15 U.S.C. § 1692k(a)(2)(B); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the Court grant Plaintiff the following relief against Defendant:

FIRST CAUSE OF ACTION
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §§ 1692-1692(P) (FDCPA)

- an award of statutory damages of \$1,000.00 to each named Plaintiff, pursuant to 15 U.S.C. § 1692k(a)(2)(A), against Defendant;
- an award of any such amount as the court may allow for all other class members, not to exceed the lesser of \$500,000 or 1 per centum of the net

worth of each Defendant, pursuant to 15 U.S.C. § 1692k(a)(2)(B), against Defendant;

- an award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3), against Defendant; and
- any other relief the Court may deem just and proper.

TRIAL BY JURY

37. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: December 17, 2014

Respectfully submitted,

BY: /s/ DANNY J. HOREN

DANNY J. HOREN, ESQ.

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KAZEROUNI LAW GROUP, APC

ATTORNEYS FOR PLAINTIFF